


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY  D.C.  
05 SEP -6 PM 3: 07

NACCO MATERIALS HANDLING  
GROUP, INC., d/b/a YALE MATERIALS  
HANDLING CORPORATION,

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W/D OF TN, MEMPHIS

Plaintiff,

v.

No. 03-2561 B

TOYOTA MATERIALS HANDLING  
USA, INC., and THE LILLY COMPANY,

Defendants.

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ORDER DIRECTING CLERK TO REMOVE MOTION FROM PENDING STATUS

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Pending on the Court's docket is Defendant Lilly Company's ("Lilly") Motion in Limine, or in the Alternative, to Postpone Hearing (Docket No. 28) requesting that the Court exclude all references to any purported violation by Lilly of the use of Plaintiff's trademark at the hearing on Defendant's Application for Preliminary Injunction. On November 19, 2003, the Court held the referenced hearing on Defendant's preliminary injunction application, rendering Lilly's request moot. Accordingly, the Clerk of the Court is directed to remove the motion from pending status.

IT IS SO ORDERED this 6<sup>th</sup> day of September, 2005.

  
J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79(a) FRCP on 9-7-05

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J. S. Wilson  
WYATT TARRANT & COMBS  
P.O. Box 775000  
Memphis, TN 38177--500

Jeff Smith  
ARMSTRONG ALLEN, PLLC  
80 Monroe Avenue  
Ste. 700  
Memphis, TN 38103

Jon D. Ross  
NEAL & HARWELL, PLC  
150 Fourth Ave., N.  
Ste. 2000  
Nashville, TN 37219

Glen G. Reid  
WYATT TARRANT & COMBS  
P.O. Box 775000  
Memphis, TN 38177--500

Mark S. Norris  
ARMSTRONG ALLEN, PLLC  
80 Monroe Avenue  
Ste. 700  
Memphis, TN 38103--246

Aubrey B. Harwell  
LAW OFFICE OF AUBREY B. HARWELL, JR.  
150 Fourth Ave. North  
Nashville, TN 37219

Ronald G. Harris  
NEAL & HARWELL, PLC  
150 Fourth Ave., N.  
Ste. 2000  
Nashville, TN 37219

Honorable J. Breen  
US DISTRICT COURT